

Jay G. Foy, Mayor  
James Woods, Vice Mayor  
Jerry E. Beavers, Council Member  
Lawrence Gordon, Council Member  
Mark C. Uptegraph, Council Member  
John Fenn Foster, Town Attorney  
Janice C. Rutan, Town Administrator



**TOWN COUNCIL REGULAR MEETING**  
**Town Hall Council Chambers**  
**Thursday ~ January 9, 2014**  
**7:00 p.m.**

- I. CALL TO ORDER**
- II. INVOCATION AND PLEDGE OF ALLEGIANCE**
- III. ROLL CALL**
- IV. COMMENTS FROM THE PUBLIC**
- V. APPROVAL OF AGENDA**
- VI. APPROVAL OF THE CONSENT AGENDA**
  - a. Approval of the minutes for the December 3 workshop and December 12, 2013 Regular Meeting**
- VII. PROCLAMATIONS AND PRESENTATION**
- VIII. COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE**
- IX. SECOND READINGS AND PUBLIC HEARINGS**
  - a. RESOLUTION 2013-12:** A Resolution of the Town of Haverhill approving the Application for Special Exception to allow for a place of worship in the R-2 Residential District and Site Plan approval filed with the Town Administrator by Roger Maki, Applicant for the contract purchaser, Congregation of Jehovah's Witnesses and owner, Verbo Christian Church of West Palm Beach, Inc. for properties located at 858 Haverhill Road, Haverhill, Florida as described in the Warranty Deed recorded in the Public Records of Palm Beach County, Florida, at Official Records Book 08150, Page Number 1871 (2.33 acres), and PCN 22-42-43-36-000-00-3021, Haverhill, Florida; the Warranty Deed recorded in the Public Records of Palm Beach County, Florida, at Official Records Book 12097, Page Number 1449 (.17 acres) and PCN 22-42-43-36-000-00-3030, Haverhill, Florida; the Warranty Deed recorded in the Public Records of Palm Beach County, Florida, at Official Records Book 08150, Page Number 1871(1.55 acres), and 870 N. Haverhill Road, Haverhill, Florida; and the Warranty Deed recorded in the Public Records of Palm Beach County, Florida, at Official Records Book 15021, Page Number 1712 (.85 acres).
- X. FIRST READINGS AND REGULAR AGENDA**
  - a. Consider and award proposal for Town wide Benchmark networking system**

**XI. REPORTS**

**Town Attorney**

**Mayor**

**Town Administrator**

**Committee/Delegate Report**

**Treasurer's Report (included in packet)**

**XII. UNFINISHED BUSINESS**

**XIII. NEW BUSINESS**

**XIV. ADJOURNMENT**

Notice: If any person decides to appeal any decision of the Town Council at this meeting, he/she will need a record of the proceedings and for this purpose; he/she needs to ensure that a verbatim record of the proceedings is made. The record must include the testimony and evidence upon which the appeal is to be based, pursuant to F.S. 286.0105. The Town of Haverhill does not prepare nor provide such verbatim record.

In accordance with the provisions of the American with disabilities Act (ADA), this document can be made available in an alternate format (large print) upon request. Special accommodations can be provided upon request with three (3) days advance notice of any meeting, by contacting Janice C. Rutan, Town Administrator at the Haverhill Town Hall, 4585 Charlotte Street, Haverhill, Florida. Phone Number (561) 689-0370 Facsimile Number (561) 689-4317

**TOWN COUNCIL REGULAR MEETING**  
**Town Hall Council Chambers**  
**Thursday ~ January 9, 2014**  
**OFFICIAL MINUTES**

Pursuant to the foregoing notice, the regular meeting of the Haverhill Town Council was held on Thursday, January 9, 2014 at the Town Hall, 4585 Charlotte Street, Haverhill. Those present were Jay G. Foy, Mayor; James E. Woods, Vice Mayor, Jerry Beavers, Council Member Lawrence Gordon, Council Member and Mark Uptegraph, Council Member. Also present were Town Attorney John Foster, Town Administrator Janice Rutan and Director of Public Services Joseph Roche.

**CALL TO ORDER**

Mayor Foy called the meeting to order at 7:00 p.m.

**INVOCATION AND PLEDGE OF ALLEGIANCE**

Mayor Foy offered the Invocation and led the Pledge of Allegiance.

**ROLL CALL**

The Town Administrator recorded all members present.

**COMMENTS FROM THE PUBLIC**

Mayor Foy explained that all comments concerning the application for special exception should wait until later on the agenda when the Public Hearing was opened to consider that matter.

**APPROVAL OF AGENDA**

With no additions, deletions or substitutions, a motion was made by Vice Mayor Woods, seconded by Council member Uptegraph and unanimously passed (5-0) to approve the agenda as presented.

**APPROVAL OF THE CONSENT AGENDA**

Approval of the minutes for the November 5, 2013 workshop and November 14, 2013 Regular Meetings.

A motion was made by Vice Mayor Woods, seconded by Council Member Uptegraph and unanimously passed (5-0) to approve the consent agenda.

**PROCLAMATIONS AND PRESENTATIONS**

None.

**COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S OFFICE**

The report through January 9, 2014 contained mostly traffic stops, routine business checks and alarms. There had been domestic cases reported as well.

Council Member Beavers stated that the speed limit sign detector had been placed on Belvedere Road and inquired into whether there was an analysis done with the recorded speeds collected along Belvedere Road. The Sheriff was unable to report at this time.

A brief comment period followed.

Council expressed appreciation to the PBSO.

## **SECOND READINGS AND PUBLIC HEARINGS**

**RESOLUTION 2014-01: A Resolution of the Town of Haverhill approving the Application for Special Exception to allow for a place of worship in the R-2 Residential District and Site Plan approval filed with the Town Administrator by Roger Maki, Applicant for the contract purchaser, Congregation of Jehovah's Witnesses and owner, Verbo Christian Church of West Palm Beach, Inc. for properties located at 858 Haverhill Road, Haverhill, Florida as described in the Warranty Deed recorded in the Public Records of Palm Beach County, Florida, at Official Records Book 08150, Page Number 1871 (2.33 acres), and PCN 22-42-43-36-000-00-3021, Haverhill, Florida; the Warranty Deed recorded in the Public Records of Palm Beach County, Florida, at Official Records Book 12097, Page Number 1449 (.17 acres) and PCN 22-42-43-36-000-00-3030, Haverhill, Florida; the Warranty Deed recorded in the Public Records of Palm Beach County, Florida, at Official Records Book 08150, Page Number 1871(1.55 acres), and 870 N. Haverhill Road, Haverhill, Florida; and the Warranty Deed recorded in the Public Records of Palm Beach County, Florida, at Official Records Book 15021, Page Number 1712 (.85 acres).**

Attorney Foster explained that it was staff's recommendation to table the matter to a future meeting. As such, he would not be reading the title as it would be his recommendation that the matter be continued to January 23, 2014 at 7:00 p.m. because the applicants have been unable to fully respond to staff's comments, resulting in an incomplete submittal. He recommended that Council listen to Public Comment for the record but cautioned them about commenting on the petition or public comment as the Public Hearing was being continued and they would not be considering the matter this evening.

Discussion followed as to the required filing time frame for the applicants. It was agreed that the completed application would need to be received by staff in ample time to finalize a staff report for Council's consideration.

Mayor Foy opened the floor to public comment.

**Harry Porter, Briarwood Drive:** He questioned the delay noting he was in favor of the church. Attorney Foster explained the delay was caused by the failure of the applicant to file a completed application package with Staff.

**Henry Lynch, 1042 Pineway Drive:** Mr. Lynch addressed those present. He noted he was a second generation Haverhill resident and former member of the Town Council as well as a Deacon. He reported that when he served on Council he was greatly tormented over the denial on a petition for a church that had come before them. He offered the following analysis as his basis for that denial. He explained that Palm Beach County consisted of 2,386 square miles and has 415 Places of Worship. Equating to 1 place of worship for each 5.75 square miles. Presently Haverhill consists of .61 square miles and three places of worship resulting in a place of worship for every .2 square miles, 29 times the amount of Palm Beach County. If another place of worship was approved, Haverhill would have 36 times the number of churches as Palm Beach County. That would result in 3,500 percent more than that of all of Palm Beach County.

He went on to remind all that Churches were tax exempt and that the Town had no industrial properties and a small amount of commercial properties. The primary source of taxes to run the Town come from the residents and since are only a fixed amount of taxable parcels to run the Town, if a parcel were to be removed from the roll, the loss in tax revenue to the Town would be absorbed by a smaller populace, possibly resulting in the decrease of services.

Explaining he was not against Churches, and that he hated to make a judgment on a house of God based on money, but added that the Council's decision to allow another Church could compromise the future stability of the Town.

Directing his comments to the applicants, he went on to say that he understood the good they want to bring to the community, however, they could do so within a ½ mile radius of the Town and be within the County, adding that bringing God's word to the area should be without consequences as God likes things proportionate and that God also supports the governing authority. He added that historically this authority had always acted in reverence.

Directing his comments to the Council, he commented that the Town was imbalanced and had been for some time. Because they serve such a small community, the full impact of past decisions could result in a decision to dissolve the Town. He questioned whether the concept of too many churches entered anyone's mind.

He suggested the Council amend the Town Charter in such a way that there be a limit to the number of tax exempt properties that could be permitted within the Town's .61 square miles to allow for future stability. He did not recommend changing the Codes to allow special exceptions. He requested this change be done before anyone else with good intentions petitions the Town because any delay in taking this action was not fair to applicants and those sitting on the Town Council.

**Harry Porter, Briarwood Drive.** After confirming specific location of the proposed place of worship, he referred to Mr. Lynch commenting that there could never be too many churches in America. Noting that he understood about the impact of the tax revenue but supports the Jehovah Witnesses. He had good experiences with the church when his maternal grandmother needed their assistance. He would like to see them be given a chance to make a positive impact to the neighborhood.

Mayor Foy noted that as difficult as it was, Council needed to refrain from responding to the public comment.

**Jose Aldana, 797 Briarwood Drive.** His property is located right behind the proposed location of the Church. He apologized he had not made previous meetings but his schedule did not allow for it. He had spoken with his neighbor that lives at 787 Briarwood and he reviewed the proposed plans. His sunset view will be affected.

He questioned whether it would be better to have a nosy neighbor or a nice church as a neighbor. He would like to preserve the peace and quiet of the neighborhood. He is an accountant. He would like to see an economic analysis of the impact taking the property off the tax rolls adding that if the Town can handle the economic impact then he has no objection to the church. He was concerned about the palm trees that were right against his property and was wondering if they could be at the same line of the other trees.

If there was any way they could preserve his view he would appreciate that as well. His main goal was to preserve the peace and safety of the neighborhood and their privacy as well. He noted that the 14 houses being built in Sunset Isles would have generated tax revenue to the Town. Again, he hoped the Town had done an impact analysis.

(Town Administrator Rutan clarified that of the entire tax bill for all properties, the Town of Haverhill's portion was 4.0000 mills).

**Ed Ruzeski, 4945 Luwal Drive.** Mr. Ruzeski commented that he has one of the most beautiful views from his property. When he purchased his property the ad stated "own your own park", and that is what he has had all these years. He added that although he has nothing against any religious

organization coming in, he still wants to enjoy his property. In the future, he may have to sell the property and looking at a parking lot would not be conducive to selling. When he learned of the proposed landscaping plans, it put his mind at ease. He also visited the Kingdom Hall located on Purdy Lane, between Haverhill and Military Trail where he and his wife were very impressed with property, landscaping and tranquility. The gates were open and they drove in and were amazed how the architecture blended with the flora and fauna. In closing he stated that if the proposed property in Haverhill were to meet the same standards as the property on Purdy, the Town of Haverhill would be proud and their residents happy to have that type of development within the Town.

**Jose Aldana, 797 Briarwood Drive.** Mr. Aldana did comment that the proposed activities ending at 9:15 p.m. would be too late and asked for Council's consideration that they end by 8:00 p.m.

**Roger Maki, Applicant for Special Exception Kingdom Hall of Jehovah Witnesses:** Mr. Maki responded to the comments and noted that it was always the church's concern that the adjacent neighborhoods be considered when designing locations. The same team that designed the Purdy Lane property will be designing the Haverhill site. The Church always tries to add more than they take away. They build a secure and family oriented neighborhood. Although the members of the church would be a diverse group, most of them would be coming from areas adjacent to the Town of Haverhill, if not from the Town itself. They are always concerned about building the community from within as Jehovah Witnesses believe in strong family units.

He noted that although it would be a tax loss to the Town, there would be so many other benefits to the Town that could not be counted in dollars and cents. Besides the security they would bring to the neighborhood with limited access off hours and closed circuit TV monitoring the property there were other benefits.

He reported that there had been a good discussion with the residents at an informational meeting held on Tuesday night. The Church was trying to work with the neighborhoods and the Town. He explained that one of the reasons they had to postpone was because they were still waiting for letters from the County that were further delayed due to the holiday season. They hope to have the full package by the middle of the week.

In response to Council Member Gordon wanting to comment, the Attorney responded that a limited comment would be acceptable. Council Member Gordon requested Mr. Maki clarify what benefits he would be able to offer the Town. Attorney Foster reminded all that any discussion such as that would need to take place at the Public Hearing.

Mr. Maki offered that the construction of a lift station was quite expensive and the County was requesting the applicants work with the adjoining property owners to allow others who are presently on septic be able to eventually hook into the lift station. They would bring the lift station to their property, yet it would become part of the County system. They were in contact with the property owners of the abandoned subdivision along Belvedere Road (f/k/a/ Emerald Cove) to discuss tying their project into the new lift station.

**A motion was then made by Vice Mayor Woods, seconded by Council Member Beavers and unanimously passed (5-0) to table the matter to January 23, 2014.**

#### **FIRST READINGS AND REGULAR AGENDA**

##### **Consider and award proposal for Town wide Benchmark networking system**

The Town Administrator presented Staff's report. Per the request of Council, she contacted three surveyors and requested proposals for the setting of benchmarks throughout the Town. It was an informal request, explaining to each of the surveyors that the Town Council was looking to have these benchmarks placed strategically throughout its geographical boundaries, not only to support

the Town's technical data submitted to FEMA, but also to assist homeowners who may be required to provide finished floor elevations for a property specific LOMA to be issued.

The benchmark network was to be throughout the entire Town, not just in the high risk flood areas. In addition she requested the Surveyors to consider whether they would offer the homeowners a reduced fee for providing finished floor elevations after the benchmark network was installed.

She had received three responses which she forwarded to the Town Engineer for his review and recommendation.

**Richard Smith, R Smith Surveyors:** could not respond at this time

**Craig Wallace, Wallace Surveying:** Approximately 80 benchmarks at no more than 700 foot intervals along the roadways in the Town. 15 days to completion from date of "Authorization to Proceed". \$5,600.00

Property owner FFE's \$100.00 per home in batches of 10 or more; One at a time would be \$175.00 per home.

**Patrick Hessian, PMSurveying:** \$80.00 per Benchmark with a proposal of 11 benchmarks. They would provide any homeowner a FEMA Elevation Certificate for the discounted price of \$90.00 per certificate.

Mayor Foy disclosed that he had conversation with PM Engineering concerning the scope of the proposal.

Jeffrey Renault, Town Engineer, addressed the Town Council. Although he was not familiar with PMSurveyors, it was his recommended that the Town Council award the proposal to PMEngineering as it was the best price for the Town.

**A motion was then made by Vice Mayor Woods, seconded by Council Member Gordon and unanimously approved (5-0) to authorize PMEngineering to implement the Town wide Benchmark network at \$80.00 per benchmark and a cost of \$90.00 per FEMA elevation certificate per homeowner.**

It was agreed the Town would draft the letter to all homeowners notifying them of the Town's efforts; explaining to them the benefits of the benchmark network and how the FFE certificates will assist them in obtaining flood insurance.

## **REPORTS**

### **Town Attorney**

None.

### **Mayor**

Mayor Foy suggested Council adopt a policy regarding the submittal dates for land use applications. He believes Council should have ample time to review. It was agreed that as long as Council received Staff's comments one week prior to Public Hearing, Staff could decide when they would need to receive for review and making staff's comments to Council.

Mayor Foy reported that the NPDES Committee would be meeting in the next week. All reports have been delayed because the reporting requirements have been changed.

Mayor Foy had attended a meeting development in the western communities hosted by Commissioner Burdick. He would be meeting with Commissioner Paulette Burdick next week



and would bring up the widening of Belvedere Road as a Council concern and its removal from the 2040 transportation plan, as well as the proposed FEMA flood insurance rate maps.

**Town Administrator**

None.

**Committee/Delegate Report**

Vice Mayor Woods reported that the Neighborhood Yard Sale would be held Saturday 6:00 a.m. – noon in the Town Hall ball field and encouraged all to stop by.

Council Member Beavers had attended a meeting at the Emergency Operations Center concerning what the elected officials should know in the event of a disaster. He added that PDF files of the presentation were available on their website. He noted that the Town would not be required to file an emergency plan with the EOC as required in the past. They were considering scheduling another meeting with the Towns of Haverhill, Cloud Lake, Glen Ridge and Lake Clark Shores as it was so productive. He reported that there were over 50 CERP groups in Palm Beach County.

Council Member Beavers next reported on the topics of discussion during the Palm Beach League of Cities District II and III luncheon that included selling equipment on government websites, FEMA FIRM, North County Plan and the north south road program. The next luncheon would be held at Vi at Lakeside Village, 2792 Donnelly Drive in Lantana. The proposed ½ cent sales tax would not be put on the Palm Beach County ballot for the November election.

**Treasurer's Report**

Included in packet.

**UNFINISHED BUSINESS**

Staff reported that they were working with the developers at Sunset Isles to be sure that the raised curbing was properly installed and marked for safety.

**NEW BUSINESS**

Council Member Gordon reported that the alarm in his wife's office building had tripped and apologized for being a few minutes late to the meeting because of it.

Attorney Foster addressed Council Members with regard to improvements to the community as part of a development order. The County requires all new developments to bring in water and sewer which would be a benefit to other neighboring communities. Discussion followed.


The Town Administrator reminded all that Seats 1 and 2 were up for election March 11, 2014 and that qualifying would begin January 28, 2014.

**ADJOURNMENT**

With no further business to come before the Town Hall, the meeting adjourned at 8:25 p.m.

Approved: January 30, 2014

  
Janice C. Rutan, Town Administrator

  
Jay G. Foy, Mayor